I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 391 878 434 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April <u>//</u>, 2005

Signature:

(Rhea Amid)



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Walter CALLEN et al.

Serial No.: 10/081,739

Filing Date: February 21, 2002

For: ENZYMES HAVING ALPHA

AMYLASE ACTIVITY AND METHODS

OF USE THEREOF

Examiner: M. Rao

Group Art Unit: 1652

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO/SB/08a/b were cited in a Supplementary Partial European Search Report mailed on March 11, 2005, directed to a counterpart international or foreign application and have not been previously cited. A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filling of this Information Disclosure Statement.

This Information Disclosure Statement is submitted:

	With th	ne application; accordingly, no fee or separate requirements are required.			
	Before the mailing of a first Office Action after the filing of a Request for Continued				
	Exami	nation under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97			
	(e)(1) l	has been provided.			
	Within three months of the application filing date or before mailing of a first Office Action				
	on the	merits; accordingly, no fee or separate requirements are required. However, if			
	applica	able, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.			
$\boxtimes$	After receipt of a first Office Action on the merits but before mailing of a final Office Action				
	or Notice of Allowance.				
		A fee is required. A check in the amount of is enclosed.			
		A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to			
		this submission in duplicate.			
	$\boxtimes$	A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is			
		believed to be due.			
	After r	nailing of a final Office Action or Notice of Allowance, but before payment of the			
	issue fee.				
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the			
		amount of is enclosed.			
		A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal			
		form (PTO/SB/17 is attached to this submission in duplicate.)			

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 564462006000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April //, 2005

Respectfully submitted,

Gregory P. Einhorn

Registration No.: 38,440

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3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-5133



bstitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known				
Application Number	10/081,739			
Filing Date	February 21, 2002			
First Named Inventor	Walter CALLEN			
Art Unit	1652			
Examiner Name	M. Rao			
Attorney Docket Number	564462006000			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document  Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

	NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²				
	1.	Database Uniprot 'Online! (2000). Alpha amylase-pyrococcus woesei, XP002317659 retrieved from EBI, Database Accession No. Q9P9LO.					
	2.	Jones et al. (1999). Journal of Applied Microbiology 86(1):93-107 XP002317658.					
	3.	Supplementary Partial European Search Report mailed on March 11, 2005, for European Patent application No. 02723192.7, based on PCT/US02/05068 filed on February 21, 2002.					
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<sup>\*</sup>EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner		Date	
Signature	_	Considered	

<sup>&</sup>lt;sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

04-12-05

PTO/SB/21 (09-04) Approved for use through 07/31/2006. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/081,739 Filing Date TRANSMITTAL February 21, 2002 First Named Inventor **FORM** Walter CALLEN Art Unit 1652 (to be used for all correspondence after initial filing) **Examiner Name** M. Rao **Attorney Docket Number** Total Number of Pages in This Submission 6 564462006000 ENCLOSURES (Check all that apply) After Allowance Communication Fee Transmittal Form Drawing(s) to TC Appeal Communication to Board of Fee Attached Licensing-related Papers Appeals and Interferences Appeal Communication to TC Amendment/Reply Petition (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information **Provisional Application** Power of Attorney, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address X Otner Line. | Identify below): Other Enclosure(s) (please Extension of Time Request Terminal Disclaimer Form PTO/SB/08a/b (1 page + Express Abandonment Request Request for Refund duplicate) 3 References Information Disclosure Statement CD, Number of CD(s) Return Receipt Postcard (3 pages) Certified Copy of Priority Landscape Table on CD Document(s) Reply to Missing Parts/ Remarks Incomplete Application CUSTOMER NO. 45975 Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name MORRISON & FOER&TER/LLP Signature Printed name Gregory P. Einhorn Date April 11, 2005 38,440

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Dated: April 11, 2005

Signature: Alex Comes

(Rhea Amid)